

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.33029 of 2018

&

W.M.P.No.38295 of 2018

Mrs.V.Maheswari

...Petitioner

Vs

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, (TNEB), NPKRR Maaligai,
Anna Salai, Chennai - 600 002.

2.The Assistant Executive Engineer,
Thiruvottiyur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited, (TNEB),
Chennai - 600 019.

3.The Inspector of Police,
H8, Thiruvottiyur Police Station,
Chennai - 600 019.

4.Mrs.Lakshmi

5.Mr.Praveen Kumar

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus in the nature of direction or order to direct the 2nd respondent to restore the residential purpose electricity connection No.055-022-71, the property situated at No.49, Eluthukaran Street, Kaladipet, Thiuruvottiyur, Chennai - 600 019, instead of the temporary connection installed by the 2nd respondent based on the application made by the 4th respondent.

For Petitioner : M/s.S.V.D.Rajendra Prasad

For Respondents: Mr.P.R.Dilip Kumar (for R.1,2)
Standing Counsel for EB
Mr.G.B.Rajesh (for R.3)
Government Advocate

O R D E R

The relief sought for in the present Writ Petition is for a direction to direct the second respondent to restore the residential purpose electricity vide connection No.055-022-71, the property situated at No.49, Eluthukaran Street, Kaladipet, Thiuruvottiyur, Chennai - 600 019, instead of the temporary connection installed by the 2nd respondent based on the application made by the 4th respondent.

2.The learned counsel appearing for the petitioner made a submission that he is the tenant in the premises, wherein the 4th respondent is in occupation as owner. On account of an erroneous application submitted by the 4th respondent, the Electricity Board Authorities imposed the commercial tariff in respect of the usage of electricity in the said premises. Thus, the petitioner is aggrieved from and out of the commercial tariff now demanded by the Electricity Board Authorities. The petitioner being a tenant, is now directed by the Electricity Board Authorities to pay the commercial tariff inspite of the fact that he is using the electricity power connection for the purpose of residence. Thus, the petitioner is constrained to move the present Writ Petition.

3.The learned counsel appearing on behalf of the Electricity Board made a submission that the application submitted by the 4th respondent was considered and accordingly, a temporary connection was granted as per the usage. The commercial tariff is charged in respect of the premises under the occupation of the Writ Petitioner, even if there is some dispute between the petitioner and the 4th respondent that may not have any implication in respect of the tariff to be charged by the Electricity Board Authorities. The Board had demanded the consumption charges as per the tariff and usage, and there is no irregularity as such. As of now, the petitioner is liable to pay the consumption charges of Rs.24,207/-. Thus, in the event of paying the consumption charges, Board will be in a position to restore the electricity service connection, which was already disconnected from the premises of Writ Petitioner.

4.At this juncture, the learned counsel appearing on behalf of the Writ Petitioner made a submission that without prejudice to all his contentions, he is ready to deposit the demanded charges of Rs.24,207/- to the Board enabling him to get his service connection.

5.In view of the submission, the following orders are passed

(i)The Writ Petitioner is directed to pay the demanded electricity consumption charges of Rs.24,207/- within a period of one week from the date of receipt of copy of this order.

(ii)On receipt of the demanded consumption charges the respondent Nos.1 & 2 are directed to restore the electricity service connections in the premises of the petitioner with immediate effect.

(ii)In respect of the dispute in relation to the usage of the electricity, whether it is commercial or residential, the Writ Petitioner is at liberty to approach the Consumer Grievances Redressal Forum constituted under Clause 18 of the Tamil Nadu Electricity Supply Code and in the event of submitting any such application, the competent forum shall adjudicate and decide the matter on merits and in accordance with law.

6.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrm/ska

To

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, (TNEB), NPKRR Maaligai,
Anna Salai, Chennai - 600 002.

2.The Assistant Executive Engineer,
Thiruvottiyur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited, (TNEB),
Chennai - 600 019.

3.The Inspector of Police,
H8, Thiruvottiyur Police Station,
Chennai - 600 019.

+1cc to Mr.P.R.Dhilip Kumar, Advocate sr.no.87593
+1cc to Government Pleader sr.no.87883

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